

### REMARKS

Claims 43 to 86 are pending in this application. The Examiner has withdrawn claims 44, 47 to 50, 52 to 63, 65 to 67, 70, 72 to 76, 80, 81 and 83 to 85 from consideration. Claims 43, 69 and 79 have been amended. Support for these amendments can be found throughout the specification, e.g., in the original claims, now canceled. These amendments add no new matter to the present application.

### Election and Withdrawn Rejections

Applicants acknowledge the Examiner's finding that the first elected species is free of the prior art. Applicants also acknowledge the Examiner's withdrawal of all previous rejections under 35 U.S.C §§ 112, 102 (b) and 102 (a). However, applicants submit that all claims are in condition for allowance for the reasons discussed below.

### Objections

The Office Action indicates (at page 3) that claims 46, 51, 71 and 86 have been objected to as depending from rejected base claims and that these claims would be allowable if rewritten in independent form. The Office Action further indicates that dependent claim 68 would be allowable if claims 46 and 51 were so amended. The Office Action also indicates that claim 79 would be allowable if amended to overcome the rejection of this claim under 35 U.S.C § 112 second paragraph.

In view of the amendments to claims 43 and 69 and arguments presented below, the base claims should be allowed, thereby obviating this objection. Applicants have amended claim 79 as suggested in the Office Action, thus obviating this objection with respect to that claim.

### Rejection Under 35 U.S.C. §112

Claim 79 has been rejected as allegedly indefinite for reciting the phrase "the GAG." As suggested in the Office Action, applicants have amended the claim to recite "a GAG," thus

obviating the present rejection. Accordingly, applicants request that the present rejection be withdrawn and that claim 79 be allowed.

Rejections Under 35 U.S.C. §102 (e)

Claims 43, 64, 69, 77, 78, and 82 were rejected as allegedly anticipated by Beutler (U.S. Patent No. 5,447,851).

Beutler describes chimeric proteins that include extracellular portions of cytokine receptor polypeptides attached to portions of IgG polypeptides. As amended, independent claims 43 and 69 recite methods of lowering endogenously produced substances in a subject, which include administering chimeric proteins that include carrier domains that bind a cell surface receptor selected from among low density lipoprotein receptors (LDLR), transferrin receptors, asialoglycoprotein receptors, adenovirus receptors, retrovirus receptors, lipoprotein (a) receptors, LDLR-like protein (LRP) receptors, acetylated LDLR, mannose receptors and mannose-6-phosphate receptors. Beutler et al. does not teach or suggest chimeric proteins that include a carrier domain that binds to any of these receptors or methods of using such proteins. Accordingly, claims 43 and 69 (and claims 64, 77, 78 and 82, which depend from claims 43 and 69) are not anticipated by Beutler et al. Thus, applicants respectfully request that the present rejection be reconsidered and withdrawn.

Applicant : Michael W. Heartlein et al.  
Serial No. : 09/753,385  
Filed : January 3, 2001  
Page : 11 of 11

Attorney's Docket No.: 10278-025004 / 0101

CONCLUSION

Applicants submit that all claims are in condition for allowance, which action is requested. Enclosed is a \$420 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 10278-025004.

Respectfully submitted,

Date: \_\_\_\_\_

7/16/04

 REG. NO. 54,112

Laurie Butler Lawrence  
Reg. No. 46,593

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906